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Refer To File #: 060182-0149

July 14, 2008

Jane C. Luxton  
General Counsel  
National Oceanic and Atmospheric Administration  
NOAA Office of the General Counsel  
Herbert C. Hoover Building  
14th and Constitution Avenue NW  
Washington, DC. 20230

Re: Foothill/Eastern Transportation Corridor Agency v. California Coastal Commission; Hearing Location

Dear Ms. Luxton,

This responds to the letter dated July 14, 2008 from counsel to the respondent California Coastal Commission in the above matter.

For all of the reasons described by the Foothill/Eastern Transportation Corridor Agency ("TCA") in the Joint Report Regarding Proposed Location for the Public Hearing on the TCA's pending Coastal Zone Management Act appeal, it is essential that any hearing be held in Orange County – in the area closest to the project and to the communities most affected by the Secretary's decision.

We understand that the Bren Center withdrew as the site for the public hearing because of concern that an arena with a capacity of 4,758 could not accommodate the anticipated attendance. Obviously, if the Bren Center is not adequate to accommodate the attendance, then the Del Mar Fairgrounds (with a capacity of 3,500) is also not adequate.<sup>1</sup> Indeed, the capacity of the Del Mar Fairgrounds is significantly less than the Bren Center.

As documented, in the Joint Report, there are two locations in Orange County – the Anaheim Convention Center and the Honda Center that have capacities of 8,700 and 7,000 respectively. We have spoken with the Anaheim Convention Center today and confirmed that the Convention Center is available August 25, 26 and 27. The Anaheim Convention Center thus would allow Secretary to be able to hold a hearing in Orange County consistent with the appeal schedule established by the CZMA regulations.

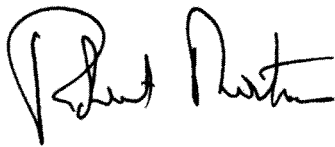
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<sup>1</sup> In the Joint Report, Respondent represented the capacity of the Del Mar Fairgrounds to be 3,500. The Commission now claims the capacity to be 4,000. In any event, the capacity is well below the Bren Center and the Anaheim Convention Center.

The Coastal Commission attempt to steer the hearing to Del Mar is a transparent attempt to reduce participation by the citizens of Orange County – who will be dramatically and adversely impacted if the project is not built from clogged traffic, reduced coastal access and diminished air quality. Contrary to the representations of Respondent, the Del Mar Fairgrounds did not possess any special crowd control resources at the Commission's hearing. Indeed, the TCA was required to hire the necessary security personnel and to pay all of the other costs of the facility.

The TCA is prepared to assist the Department of Commerce in arranging for a hearing location that will facilitate a fair and professional hearing on the facts of the appeal. We respectfully suggest that Orange County is the only appropriate venue for the hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert Thornton". The signature is fluid and cursive, with the first name "Robert" and last name "Thornton" clearly distinguishable.

Robert D. Thornton  
of Nossaman LLP

cc: Jamee Jordan Patterson, Counsel to Respondent  
Thomas Street, Esq. NOAA Office of General Counsel  
Carla Sullivan, NOAA Chief of Staff

RDТ/lmb